

TOWN OF COTTAGE GROVE
RESOLUTION NO. 2005- 11
SNOWMOBILE SAFETY REGULATION RESOLUTION FOR BAXTER ROAD

WHEREAS, the Town of Cottage Grove (“Town”) is vested with the express authority, duty and responsibility to maintain, care for and supervise all Town Highways pursuant to Wis. Stat. § 60.50(2) and 82.03(1), any may close a Town highway whenever said highway is deemed unsafe for travel pursuant to Wis. Stat. § 86.06(1); and

WHEREAS, the Town is authorized to exercise village powers, which include protection of the health, safety and welfare of the public, as well as the management and control of streets and highways; and

WHEREAS, the Town has adopted TCG Ord. § 9.095 with respect to snowmobile safety regulation; and

WHEREAS, at its regularly scheduled Town Board meeting on December 5, 2005, the Town Board heard from the public with respect to snowmobile regulation and the Baxter Road route in particular, and received a wide range of information from Town residents, area snowmobilers and various interested parties with respect to the use of Baxter Road from CTH BB to Interstate Highway 94 as either a ditch access route or a road access route for snowmobiles; and

WHEREAS, the Town Board reviewed, considered and approved minutes from the December 5, 2005 Town Board meeting at its meeting on December 19, 2005, which minutes are incorporated as if set forth herein; and

WHEREAS, the Town Engineer, Warren Myers, P.E. of Town & Country Engineering, Inc., reviewed the request for a ditch access route and/or a road access route and provided a letter dated December 16, 2005, which has been reviewed by the Town Board and is attached and incorporated as if set forth herein; and

WHEREAS, the Town Chair requested input from the Chief of Police, which was presented and considered at the Town Board meeting on December 19, 2005; and

WHEREAS, following careful consideration and deliberation of the above information, the Town Board finds that there would be substantial public safety concerns if Baxter Road were used as a ditch access route for snowmobiles and that said safety concerns could not reasonably be addressed through additional regulation of Baxter Road by signage, snow fence, or other similar means.

NOW THEREFORE, in consideration of the above recitals, which are expressly incorporated herein by reference, and pursuant to TCG Ord. § 9.095, the Town Board of the Town of Cottage Grove does hereby resolve as follows:

1. The Town Board finds that Baxter Road cannot be used as a snowmobile ditch access route with due regard for safety; therefore, Baxter Road shall not be used as a ditch access route for snowmobiles during the 2005-2006 snowmobile season and any such use shall be subject to the penalties and other provisions set forth in the Town of Cottage Grove's ordinances.
2. This resolution shall take effect upon passage.

Adopted this 19th day of December, 2005, by a vote of 3 for and 1 against.

TOWN OF COTTAGE GROVE

Kris Hampton, Town Chair

ATTEST:

Kim Banigan, Town Clerk

Approved as to form this
____ day of December, 2005.
ANDERSON & KENT, S.C.

Constance L. Anderson, Esq.
Cottage Grove Town Attorney

**TOWN & COUNTRY
ENGINEERING, INC.**

December 16, 2005

5225 VERONA RD BLDG 4
PO BOX 44451
MADISON, WI 53744-4451
(608) 273-3350 (fax) 273-3391
(e-mail) tce@tcengineers.net

Town of Cottage Grove
4058 C.T.H. N
Cottage Grove, WI 53527

Attention: Mr. Jeff Smith

Subject: Review of Potential Snowmobile Route on Baxter Road

Ladies and Gentlemen:

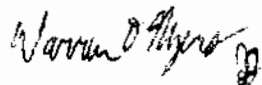
We have reviewed the potential snowmobile route along Baxter Road between Interstate Highway 94 and County Trunk Highway BB as you requested. We understand that Wisconsin state statutes allow snowmobiles the use of public right-of-way at least ten feet off of the paved surface unless local ordinances limit such use for safety reasons.

The Baxter Road right-of-way between Interstate Highway 94 and the Doubleday's bar appears to have sufficient space to allow safe passage of snowmobiles on both sides of the road off of the paved surface. The section of road between County Trunk Highway 'BB' and the Doubleday's bar contains many hazards to snowmobile safety. There are numerous driveway culverts with steep sides or walls and many sign posts within the area off the paved surface which may be difficult to see under heavy snow cover and present significant danger to snowmobile riders. We do not feel that this is a safe location for a snowmobile route.

If the Town chooses to designate the road as a snow route, snowmobiles could use the paved surface as a trail. As a designated snow route, it is our understanding that snowmobiles would be required to travel in the same direction of travel as other vehicles and would be required to obey the same posted speed limit. In this sense the snowmobiles would be much the same as bicycles or motorcycles. However, traveling the length of the section between County Trunk Highway BB and Doubleday's bar on a paved surface may be injurious to the snowmobile equipment and may cause some wear to the road surface.

If you have any questions with respect to our recommendations on this issue, please contact me.

Very truly yours,
TOWN & COUNTRY ENGINEERING, INC.


Warren O. Myers, P.E.
President

cc: Ms. Connie Anderson, Town Attorney, Anderson & Kent, S.C. (1 North Pinckney Street,
Suite 200, Madison, WI 53703)

JLJ

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